

BRECON BEACONS NATIONAL PARK AUTHORITY

Telephone (01874) 624437

Plas y Ffynnon
Cambrian Way
Brecon
Powys LD3 7HP

Dear Member

A meeting of the **ACCESS AND RIGHTS OF WAY COMMITTEE** will be held in **CONFERENCE ROOM 1, PLAS Y FFYNNON, CAMBRIAN WAY, BRECON ON 7TH OCTOBER 2005 at 10.00 a.m.** when your attendance is requested.

Yours sincerely

CHRISTOPHER GLEDHILL
CHIEF EXECUTIVE

Cllr P Ashton
Cllr Mrs M Morris
Cllr J Morris
Cllr K Pathak
Cllr E Williams
Cllr A Baynham (Chairman)
Cllr A Carrington

Cllr M Reece
Cllr P Hopkins
Mrs P Thomas
Mr J Suter
Mr P Seaman
Mrs M Taylor

Fire Evacuation Advice

**In the event of a fire, please exit the building via the main staircase,
and assemble in the car park at Assembly Point 3**

AGENDA

I.0 MINUTES

I.1 To receive the minutes of the committee meeting held on 7th July 2005 and to authorise the Chairman to sign them as a correct record. **(Annex 1)**

I.2 To receive the minutes of the following meetings of the Local Access Forums:

Eastern Area Local Access Forum 15/06/05 **(Annex 2)**

Richard Ball

Western Area Local Access Forum 23/06/05 (**Annex 3**) Richard Ball

Central Area Local Access Forum 29/06/05 (**Annex 4**) Richard Ball

Recommendation: That the minutes of the Local Access Forums be noted.

2.0 CORRESPONDENCE

To receive and consider the attached schedule of correspondence and make any recommendations thereon. (Below).

3.0 MEMBERS DECLARATION OF INTEREST

To receive any declarations of interests from members regarding items to be considered on the agenda (Members' attention is drawn to the Declaration of Interests sheet circulated with the Attendance Sheet at the meeting, and the need to record their interests in writing).

4.0 PUBLIC SPEAKING

To give opportunity for members of the public to address the Committee in accordance with the Authority's Public Speaking Scheme.

5.0 DECISIONS RELATING TO THE DEFINITIVE MAP : CREATION, DIVERSION AND EXTINGUISHMENT ORDERS – HIGHWAYS ACT 1980

5.1 Application for Creation of Public Footpath, Former Mid Wales Hospital, Talgarth (Annex 5) Eifion Jones

File reference: PAR804/517/M

Applicant: National Park Authority/Chancefield Management Limited
Location: Black Mountains Business Park (Former Mid Wales Hospital),
Talgarth
Grid Ref: SO160332
Map No: SO13SE
Town: Talgarth

Summary of Proposed Route: From a point on Hospital Road, Talgarth and proceeding along the driveway into the Black Mountains Business Park for a

distance of approximately 125 metres. It will then turn west north westerly then north north easterly into the field containing the cricket ground and run parallel to a fenceline to emerge onto the Llanellieu Road. Total length approximately 215 metres.

Consultation Responses

Powys County Council (Economic & Community Regeneration)

- "...seems a sensible and useful link between 2 public roads that would enhance public access locally"

Powys County Council (Technical and Local Services)

- no comments

Talgarth Town Council

- support proposal

County Councillor

- no reply

Countryside Council for Wales

- no reply

Ramblers Association

- support proposal

Open Spaces Society

- no reply

Byways and Bridleways Trust

- no reply

British Horse Society

- no reply

Auto Cycle Union

- no reply

Statutory Undertakers

- no objections

Details of proposal: the proposal is submitted under section 25 of the Highways Act 1980 with the intention that the National Park Authority enter into a public path creation agreement with Chancefield Management Ltd. to create a public footpath across land in the company's ownership.

Conclusion: the proposal is borne out of negotiation between officers, members of the local community and representatives from Chancefield Management Ltd. after evidence was submitted to the Authority alleging that a public right of way, not shown in the Definitive Map and Statement, crossed the site.

There is clear benefit in creating the footpath as it will provide a link between Church Street, across the Business Park, to the Pwll-y-wrach nature reserve. At present a somewhat circuitous walk through Talgarth is required to reach Pwll-y-wrach.

Some minor work will be required to accommodate the route and it is proposed that the cost of this be borne by the Authority. This will be written into the agreement as a condition.

Talgarth Town Council and the Ramblers' Association are very supportive of the proposal.

Recommendations:

- (i) **that the proposal to create a new public footpath in the Town of Talgarth be approved and that the Chief Executive be instructed to enter into agreement with Chancefield Estate Limited under section 25 of the Highways Act 1980;**
- (ii) **that the cost of all work to accommodate the footpath be borne by the National Park Authority.**

5.2 Application for a Public Path Diversion Order, Bridleway No. 23 in the Community of Talybont-on-Usk (Annex 6) Eifion Jones

File reference: PAR804/518/D

Applicant: National Park Authority
Location: Berth-lwyd-fawr, Aber, Talybont-on-Usk
Grid Ref: SO099208
Map No: SO02SE
Community: Talybont-on-Usk

Summary of Definitive Route: From a point to the south of Berth-lwyd-fawr at the junction with road used as a public path no. 22 and proceeding in a generally northerly direction passing to the east of the farm buildings and continuing in a generally north north westerly direction across several fields to a county road at Tyle. Total length approximately 620 metres.

Summary of Proposed Route: From a point to the south east of Berth-lwyd-fawr at the junction with road used as a public path no. 22 and proceeding in a north north westerly direction across two fields and then crossing the access road leading to Berth-lwyd-fawr. Then across three further fields to reach a track near Tyle which it follows to reach the county road. Total length approximately 740 metres.

Consultation Responses

Powys County Council (Economic & Community Regeneration)	-	proposal is eminently sensible
Powys County Council (Technical & Local Services)	-	no comment
Talybont-on-Usk Community Council County Councillor	-	support proposal no reply
Countryside Council for Wales	-	no reply
Ramblers Association	-	happy with proposal
Open Spaces Society	-	no reply

Byways and Bridleways Trust	-	no reply
British Horse Society	-	no reply
Auto Cycle Union	-	no reply
Statutory Undertakers	-	no objections

Details of application: the application has been submitted under section 119 of the Highways Act 1980 in the interests of the landowner and of the public. It is proposed to divert bridleway no. 23 for the following reasons:-

- i) a drafting error has been discovered on the Definitive Map but the likely original route of the bridleway is no longer feasible;
- ii) to bring the bridleway into line with existing field furniture;
- iii) to make the new route more representative of usage on the ground – part of the diversion has been in use for many years as a permissive route;
- iv) to provide a more practical route which better meets the needs of the landowner and the public

Conclusion: discussions have taken place with the landowners over a long period of time with a view to resolving the present situation. Over this time, 8 alternative routes have been proposed by officers all either unacceptable to the landowners or to some of the consultees. The latest proposal has been proposed by the landowners and no objections have been received from the consultees. It appears that after exhaustive negotiation a compromise has been found that is acceptable to all. In particular, the Community Council and the Ramblers' Association support the proposal both having had reservations about previous proposals.

Recommendations:

- (i) ***that the application to divert bridleway no. 23 in the Community of Talybont-on-Usk be approved and that the Chief Executive be instructed to make an order under section 119 of the Highways Act 1980;***
- (ii) ***if no representations or objections are duly made to the order during the statutory objection period, or if any so made are withdrawn, that the Chief Executive be authorised to confirm the order as an unopposed order.***

5.3 Application for a Public Path Diversion Order, Public Footpath No. 77 and the creation of a public footpath in the Community of Crucorney Fawr (Annex 7)
Eifion Jones

File reference: PAR804/402/D

Applicant: Mr P Sands and Mrs M Tobin, Cwm Bwchel, Llanthony,
Abergavenny
Location: Cwm Bwchel, Llanthony
Grid Ref: SO284274
Map No: SO22NE
Community: Crucorney Fawr

Summary of Definitive Route: From a point to the east north east of Cwmbwchel and proceeding in a west south westerly direction adjacent to a stream along a track and to its junction with footpath no. 51 and cart road footpath no. 51A in the curtilage of Cwmbwchel. Total length approximately 200 metres.

Summary of Proposed Route: From a point to the east north east of Cwmbwchel and proceeding in a north westerly then west south westerly direction along the edge of two fields to its junction with footpath no. 51 in the curtilage of Cwmbwchel. Total length approximately 210 metres.

Proposed New Footpath: From a point to the north north east of Cwmbwchel on footpath no. 51 and proceeding in a west south westerly direction across a field to its junction with cart road footpath no. 52. Total length approximately 120 metres.

Consultation Responses

Monmouthshire County Council	-	no reply
Crucorney Fawr Community Council	-	no reply
County Councillor	-	no reply
Countryside Council for Wales	-	no reply
Ramblers Association	-	no objection
Open Spaces Society	-	no objection
Byways and Bridleways Trust	-	no reply
British Horse Society	-	no reply
Auto Cycle Union	-	no reply
Statutory Undertakers	-	no objections

Details of application: the application has been submitted under sections 25 and 119 of the Highways Act 1980 in the interests of the landowner and of the public. It is proposed to divert footpath no. 77 for the following reasons:-

- i) to make the new route more representative of the usage on the ground - the diversion route has been in use for many years as a permissive path as

the original route of the footpath suffers from erosion by an adjacent stream;

- ii) to provide a more practical route given the above circumstances.

The footpath creation would:

- i) provide a direct link between footpath no. 51 and cart road footpath no. 52 allowing easier access to the hill (common land).

Conclusion: the effect of the proposal is to make a sensible amendment to the network which, in the long term will protect the route of the footpath from stream erosion. Whilst the 'new' route has been in use for some time it is advantageous to formalise the situation on the ground. With regard to the proposed new footpath there is clear advantage to the public in that a direct route is being provided to other rights of way and to the hill which is now open access land. There may be an advantage to the landowners also in that traffic passing in front of their dwelling may be reduced. However, that route (cart road footpath no. 51A) will still remain a public right of way.

In light of the addition to the network it is proposed that the Authority does not charge the applicant any standard fees in connection with the application for a public path diversion order. However, it is proposed that the applicants reimburse all the Authority's advertising fees with regard to the diversion order.

Recommendations:

- (i) that the application to divert footpath no. 77 in the Community of Crucorney Fawr be approved and that the Chief Executive be instructed to make an order under section 119 of the Highways Act 1980;**
- (ii) in light of the addition to the network that the Authority's standard charge be waived and, that the applicants reimburse the Authority's full costs associated with the press notices advertising the making and confirmation of the order;**
- (iii) if no representations or objections are duly made to the order during the statutory objection period, or if any so made are withdrawn, that the Chief Executive be authorised to confirm the order as an unopposed order;**
- (iv) that the application to create a new public footpath in the Community of Crucorney Fawr be approved and that the Chief Executive be instructed to enter into agreement with the landowners under section 25 of the Highways Act 1980;**

- (v) **that the cost of all work to accommodate the new footpath be borne by the National Park Authority.**

5.4 Proposed diversion of public footpath no. 43 in the Community of Ystradfellte (Annex 8) *Eifion Jones*

File reference: PAR804/523/D

Applicant: National Park Authority
Location: Gwernblaedda, Pontneddfechan
Grid Ref: SN908093
Map No: SN90NW
Community: Ystradfellte

Members are informed that officers have recently entered into discussions with the owners of Gwern-blaedda, Pontneddfechan regarding a proposed public path diversion order to correct a definitive map anomaly.

The anomaly stems from the fact that a building was erected on footpath no. 43 in the 1980s. Whilst planning consent was given for the building it appears that the applicants were not notified of the existence of the footpath and the fact that it should have been diverted before construction of the building could commence. Correspondence is available to verify this.

The landowners allege that they had no knowledge of the existence of the footpath (it appears to have been blocked when it was first registered on the Definitive Map) and proceeded to build in good faith.

The landowners now accept that a public footpath exists across their property, by virtue of its inclusion in the Definitive Map and Statement.

However, the landowners refuse to enter into further discussions with officers regarding a diversion until a Committee decision is made stating that the landowners will not be liable for any costs associated with the diversion.

Officers have already given the landowners a written undertaking that the Authority will bear the cost of the diversion (subject to this Committee's approval) in accordance with paragraph (d) (ii) of the Authority's policy concerning the recovery of costs for public path and rail crossing orders.

The policy states that "the Authority will consider waiving all costs:

- (i) ...

- (ii) where the order allows definitive map anomalies to be amended for the benefit of both the landowner and the public”

It is considered in this case that any acceptable diversion proposal would be to the benefit of the landowners and the public and on that basis the Authority would bear all the associated costs.

However, the undertaking from officers has proved to be unacceptable. In order to allow officers the flexibility to negotiate further a resolution is sought purely with regard to the issue of costs. A formal proposal for a diversion will be reported to Committee in due course when agreement has been reached between officers and the landowners. Consultation will be undertaken with the statutory and prescribed groups prior to Committee.

Recommendation: That all charges be waived on any proposal negotiated by officers with regard to the diversion of public footpath no. 43 in the Community of Ystradfellte in accordance with paragraph (d) (ii) (correction of definitive map anomalies) of the Authority’s policy concerning the recovery of costs for public path and rail crossing Orders.

6.0 RIGHTS OF WAY IMPROVEMENT PLAN

6.1 Progress Report on Brecon Beacons National Park Authority Rights of Way Improvement Plan **Judith Jones**

The Rights of Way Improvement Plan Officer will give a verbal report on progress with the Rights of Way Improvement Plan.

7.0 INFORMATION ITEMS

7.1 Completed Orders **Eifion Jones**

Members are advised that the following Orders have been completed:

Powys

- i) Brecon Beacons National Park Authority Footpath No. 1 at Ton-y-fildre in the Community of Ystradfellte Public Path Diversion Order 2003 - *confirmed by the Welsh Assembly Government.*
- ii) Brecon Beacons National Park Authority Footpath No. 41 at Trefecca in the Town of Talgarth Public Path Diversion Order 2005 - *confirmed by the Welsh Assembly Government.*

- iii) Brecon Beacons National Park Authority Path No. 36 at Maes-y-beddau in the Community of Llangynidr Public Path Diversion Order 2004.
- iv) Brecon Beacons National Park Authority Footpath No.51 at Wern Watkin in the Community of Llangattock Public Path Diversion Order 2004.
- v) Brecon Beacons National Park Authority Footpath No. 113 at Glan-nant in the Town of Talgarth Public Path Diversion Order 2004.
- vi) Brecon Beacons National Park Bridleway No. 11 in the Community of Maescar Modification Order 2003 - *confirmed by the Welsh Assembly Government.*

Monmouthshire

- v) Brecon Beacons National Park Authority Footpath No. 37 at Little New Court in the Community of Llantilio Pertholey Public Path Diversion Order 2004.

Recommendation: that Members note the content of the report

8.0 OTHER BUSINESS

Such other business as is, in the opinion of the Chairman, of such urgency as to warrant consideration.

SCHEDULE OF CORRESPONDENCE

- 1. To receive apologies for absence**
- 2. Such other correspondence as, in the opinion of the Chairman, is of such urgency as to warrant consideration**